

# TO THE PEOPLE OF ARIZONA

So many charges and accusations unworthy of serious attention have been hurled at me through the medium of newspapers directed by interests antagonistic to my administration, and by a candidate for the Democratic nomination for the office I hold, and so little of the mass—or mess—has appeared to justify any sort of notice, that I have been constrained to pass them under the general head of “ignored.”

One of these charges, however, would seem to call for a reply; and in order that I may not be misquoted or misunderstood, I take this means of supplying it, in justice to myself and for the information of the public.

The charge is based upon the fact that I have suspended the sentence of death upon a number of men in the State prison. In the ringing of its various changes, the declaration is made that I have considered myself “above the law”; that I have the law in my own hands; that I have “violated the law”; and so on ad infinitum. The platform of the candidate above referred to, whose public utterances would indicate a quiet, normal and impatient thirst for the blood of the men who are safely behind the bars awaiting whatever disposition Society may make of them, lays such emphasis upon his stand for “absolute supremacy of the courts,” as to give the impression that he fears the selection of another than himself will endanger “the law and courts,” or perhaps that the one has been already set aside and the functions of the other usurped. In the pursuance of the campaign plan thus laid out for himself, the same candidate in a recent speech—similar to all his primary campaign speeches—said:

“Now when he” (meaning myself) “takes this oath of office he holds up his hand and swears that he will execute the law. He knew that the representatives of this State had always voted for a capital punishment law. He knew that that law was in the statutes. He knew it was a part of the law of this land, and he held up his hand and swore that he would execute the laws of this State. But as soon as his hand has dropped to his side it seems that there had been a mental reservation and that he said he would execute a part of the laws of this State---just part of the laws, those laws that suited him. You know whether he had fulfilled his oath or not.”

It is assuredly my hope that you do know whether I have fulfilled my oath or not—whether I have executed the laws of the State, which I swore to

uphold, or only a part of them. It is my very great hope that you know these things better than does the campaigner who, seeking merely to excite prejudice, indulges in charges which display either his own pitiful ignorance of the law or, what less manly, a willingness to misrepresent the acts and views of an opponent in the hope of advancing his own candidacy.

It is quite true that the execution of the death sentence upon a number of condemned men in the State prison has been stayed by my act of reprieve, and it is doubtless true that some may be found who disapprove that action. But to charge that in the staying of these death sentences I violated any law of God or man, in letter or in spirit, or was in the slightest degree recreant to my oath of office, is a total absurdity. On the contrary, by following the dictates of my conscience I observed the very life and essence of our State's advanced and enlightened Constitution, and did that which any man whose sympathies harmonize with the principle of popular government upon which that fundamental law was wisely founded, must have done, regardless of his views on the subject of capital punishment.

One unfamiliar with the provisions of constitutional law and unaccustomed to inquiring into such matters might be excused for a lack of knowledge as to the rights, powers and proper functions of the Governor, but it is inconceivable that either a newspaper intelligently edited or a man who feels himself equipped to aspire to the highest executive office in the State should exhibit an ignorance so profound. It is true that the statutes provide that the death sentence, or, as an alternative, a sentence of life imprisonment, be imposed by a jury, and in contingencies by a court, for murder in the first degree, but nowhere does the law provide that either jury or court *must* impose the death sentence; while, whatever the sentence may be, the power is vested in the Governor of the State to suspend, lighten or altogether abolish the same whenever in his judgment the ends of justice or the best interests of Society demand it.

Section 5, Article V, of the State Constitution provides: "The Governor shall have power to grant reprieves, commutations and pardons, after convictions, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as may be provided by law."

This Constitutional authority, similar to the power of the President in federal cases, is a feature of practically every State Constitution in the Union. It is a wise and wholesome provision, and—laying entirely aside the psychological, sociological question of the death penalty—is essential to the perfection of a system which aims at ultimate justice and equality for all offenders and alleged offenders before the law. It is in no respect an infringement upon the powers and functions of the judicial branch of government, but supplements and strengthens them.

It may easily be seen, therefore, that in staying the sentence of the men standing in the shadow of the gallows at Florence I neither violated nor strained the law, nor disregarded my oath of office, but merely exercised the authority

given me by the Constitution—an authority which practically every Governor of every State and Territory in the United States has exercised, with no thought on the part of anyone that the law was being overridden—and that I exercised it not by the issuance of pardons or commutations, as I might have done, but simply by reprieving the condemned. It was a most ordinary and usual action, not at all justifying the intemperate and excited criticism inspired, initiated and encouraged by my political enemies, whose thoughts and motives were far afield from the subject of law enforcement.

Nor is there any better ground for a modified charge, that by suspending the condemned men's sentences I "violated the spirit of the law." How sad a commentary upon the heart of the critic who conceives that the spirit of the law begrudges a man condemned to death the doubtful benefits of a period of grace! How pitiful the conception of the spirit of the law which would deny to the people of a sovereign commonwealth, who proudly boast a system of legislation which leaves the last word with them, the opportunity to voice their approval or disapproval of a definite, imminent proposal to take, by so-called legal means, the lives of human beings! What sanguinary thoughts must be crowding the mind of the man, and deadening if not destroying his sense of humanity and of equal justice, who chafes at the delay of a grewsome, odious gallows scene, lawful now, but which may within a few months be outlawed.

He gives me small credit, indeed, but himself much less, who asserts or believes that my reason for reprieving the men at Florence was merely because I am personally opposed, by conviction, to the theory and practice of the State taking human life. What if I did know that the representatives of this State had "always voted for a capital punishment law"? I also knew, as those who impute to my actions improper motives should know, that the capital punishment law of the State, which was willed by the Territory, did not make the sentence of death obligatory upon jury, court or Governor, but merely legalized it. I knew, too, that by commuting the sentences of the men at Florence to life imprisonment, a power given me by the law, I could place the triumph of my views, so far as these particular men are concerned, beyond doubt, and if my personal disbelief in legalized killing had been held of more importance than all other considerations I should have done so.

But I knew more. I knew that the fate of the individuals confined within prison walls, awaiting the final decree of Society, was of infinitesimal importance as compared with the establishment of a principle of humanity which would prohibit the visitation upon them, or upon anyone, of the very crime, legalized, of which they stood convicted and condemned. I knew that my concern, rather than being for those who had so transgressed the laws of Society as to place themselves beyond the pale of concern, was for Society itself, and for my State, which I pray may never be stained with the blood of human beings, coldly, deliberately, premeditatedly taken, by the processes of a hideously inconsistent and ironic statute. I know that the representatives of Arizona as a Ter-

ritory had voted for a capital punishment law—that is, for a law which legalized while it did not require the imposition of the death sentence, but I knew, also, that the sovereign people of Arizona had not passed their approval upon it, and I knew it was meet that upon this question, fraught with much vital consequences to civilization, they should have an opportunity to express themselves before the commission of a deed which I think would in after years be deemed the darkest blot upon the Commonwealth's escutcheon.

I knew that the Constitution which it was my great privilege and honor to assist in drafting, reserved to the people of Arizona the power “to propose laws and amendments to the Constitution and to enact and reject such laws and amendments at the polls, independently of the Legislature”, and I knew that a very large number of the people of Arizona were preparing to invoke this power to secure an expression on the subject of the abolition of capital punishment, which the Legislature had refused to favorably consider. That I was not misinformed or acting inadvisedly is evidenced by the fact that at the request of some 3,000 men and women voters of Arizona the question will appear upon the official ballot at the next election.

How incongruous, with these facts and this knowledge before me—with the law supporting, conscience directing and the tenets of ordinary decency demanding the action I took—would it have been to hurry into eternity the men at Florence, not merely denying them participation in the pending decision of the people, because they happened to be condemned a few days or a few months too early, but what is vastly more important, also denying the people the right, reserved by the letter and dominating the spirit of the Constitution, to express their approval or disapproval of what would at best be a horrifying and degrading spectacle.

Can it be possible that the unseemly haste with which my opponent and certain organs of interests would have apparently had me act, indicate a fear that a little delay of the kindly offices of the noble hangman might result in an expression from the people which would deny them the pleasure of an edifying, instructive and entertaining sight? I trust it is not so, but I trust, also, that they will hereafter go further in their search for grounds upon which to base the senseless charge that I have violated the law.

Yours very respectfully,

**GEO. W. P. HUNT**

